

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RUSSELL PERRY, II,

Plaintiff,

vs.

COX COMMUNICATIONS,

Defendant.

8:23-CV-121

STRIKE ORDER

This matter is before the Court on plaintiff Russell Perry's filing of the return of service on Cox Communications, which Mr. Perry styles as "Supplement Proof Cox Had Enough Time to respond." [Filing 48](#). The filing comprises the return of service (which was already in the record as [filing 40](#)) and Mr. Perry's objection to the Magistrate Judge's extension of Cox's answer deadline (which was already in the record as [filing 35](#)).

It's not clear what Mr. Perry wants from the Court, except that he is apparently still upset about the extension of Cox's answer deadline. But that matter has been decided twice already: once by the Magistrate Judge, and once by the undersigned. [Filing 34](#), [filing 47](#). The Court will not reconsider that decision. If Mr. Perry believes the Court erred, he may make that argument in an appeal to the Eighth Circuit after judgment is entered in this case. But this Court has heard enough about it. [Filing 48](#) isn't a pleading, motion, or anything else recognized by the Rules of Civil Procedure, and it will be stricken.

In its previous ruling, the Court suggested that the parties litigate this case with courtesy and patience. [Filing 47 at 2](#). Instead, Mr. Perry has decided to litigate this case by telling the Court things it already knew about a decision it already made. But there are 325 other cases on the undersigned's docket,

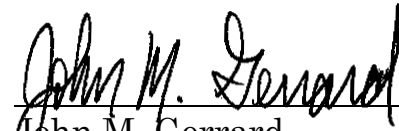
and the Court doesn't have time to mind impatient litigants who aren't respecting the process set forth in the Rules of Civil Procedure.

Under those rules—as definitively ordered by the Court—Cox Communications has until December 7, 2023 to plead or otherwise respond to Mr. Perry's complaint. One of two things will happen. Cox may file a Rule 12 motion, in which instance the next time the Court expects to hear from Mr. Perry is in his response to that motion. Or Cox may file an answer, in which instance the next time the Court expects to hear from Mr. Perry is after the parties confer and prepare their Rule 26(f) report. The Court will liberally strike any other filings that aren't authorized by the Court's procedural rules.

IT IS ORDERED that [filing 48](#) is stricken.

Dated this 28th day of November, 2023.

BY THE COURT:



John M. Gerrard
Senior United States District Judge